

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JONATHAN WYCINSKY,  
Plaintiff,  
v.  
CITY OF RICHMOND, et al.,  
Defendants.

Case No. [16-cv-02873-MMC](#)


**ORDER DIRECTING PLAINTIFF TO  
SHOW CAUSE WHY CLAIMS  
AGAINST DEFENDANT MAGNUS  
SHOULD NOT BE DISMISSED**

On November 6, 2015, plaintiff filed the above-titled action in the Contra Costa Superior Court, naming the City of Richmond and Christopher Magnus as defendants. On May 27, 2016, the case was removed to the federal district court. To date, plaintiff has not filed proof of service of the summons and complaint upon defendant Christopher Magnus. "If a defendant is not served within 90 days after the complaint is filed, the court – on motion or on its own after notice to the plaintiff – must dismiss the action without prejudice against that defendant or order that service be made within a specified time," Fed. R. Civ. P. 4(m), and where, as here, the complaint is removed from state court, the ninety-day period runs from the date of removal, see 28 U.S.C. § 1448; Fed. R. Civ. P. 81(c)(1).

Accordingly, plaintiff is hereby ORDERED TO SHOW CAUSE, in writing and no later than September 28, 2016, why plaintiff's claims against Christopher Magnus should not be dismissed for failure to serve within the time required by Rule 4(m).

**IT IS SO ORDERED.**

Dated: September 14, 2016

  
MAXINE M. CHESNEY  
United States District Judge